IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

WP(C).No. 19485 of 2007(T)

EP.1/2006 of II ADDL.DISTRICT COURT,ERNAKULAM
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PETITIONER:

K.K. SUNDARAM, S/O. KUNJAN ACHARI,
AGED 40 YEARS, KOCHUKARIPAL BUILDING, KARIMUKAL,
PUTHENCRUZ VILLAGE,KUNNATHUNADU TALUK,ERNAKULAM.

BY ADV. SRI.SABU THOZHUPPADAN

RESPONDENTS:

V.N. REJI S/O. NARAYANANKUTTY,
AGED 36 YEARS, VALLAYIL HOUSE, CHITHRAPUZHA,
IRIMPANAM, THIRUVANKULAM VILLAGE, ERNAKULAM,
NOW RESIDING AT VALLAYIL HOUSE, BEHIND COMFORT STATION, NEAR CHOTTANIKKARA DEVI TEMPLE,
CHOTTANIKKARA, ERNAKULAM.

BY ADV. SRI. VARGHESE KURIAKOSE(CAVEATOR)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN, J.

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W.P.C. NO. 19485 OF 2007

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Dated this the 26th day of June, 2007.

J U D G M E N T

This writ petition is filed to issue a direction to the 2nd Addl.District Judge, Ernakulam to hear and dispose of Ext.P4 before conducting sale in E.P.1/06.

2. Heard both sides. The facts would reveal that the execution is pending in pursuance of an arbitration award which has reached the Apex Court and confirmed by the Court. Now, the writ petitioner seeks time to pay off the debt in order to save his ancestral home. The other side is not very much in favour of a concession because of the difficulty they have to face on account of the attitude of the judgment debtor. But, if one is desirous of paying the amount it is only just to grant him sufficient time to pay off the debt. Therefore, I am inclined to dispose of this writ petition as follows.

3. The writ petitioner is directed to pay a sum of Rs.50,000/- today, if it is not yet paid, to the counsel for the

decree holder and pay Rs.50,000/- to the decree holder or his Advocate on or before 10.7.2007. Thereafter, the balance decree amount is to be paid in three monthly equal installments commencing from 10.8.07 and ending on 10.10.07. If there is any default of payment of any of these installments, the decree holder will be entitled to proceed with the sale of the property with the very same proclamation and the right to have a fresh proclamation will stand waived in the light of the concession given to the writ petitioner to make the payments.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

ul/-